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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
The Use of N11 Codes and Other) CC Docket No. 92-105
Abbreviated Dialing Arrangements)

COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association ("CTIA")¹ respectfully submits its Comments to the Commission's Further Notice of Proposed Rule Making in the above-captioned proceeding.² CTIA agrees with the Commission's tentative conclusion that N11 codes should not be transferred or sold through private transactions at this time.³ Furthermore, N11 codes used for both national and local purposes should be administered by the neutral North American Numbering Plan ("NANP") Administrator. Finally, CTIA supports the nationwide implementation of 711 for

¹ CTIA is the international organization of the wireless communication industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Services ("CMRS") providers, and includes forty-eight of the fifty largest cellular, broadband PCS, enhanced specialized mobile radio, and mobile satellite service providers. CTIA represents more cellular and more broadband PCS members than any other trade association.

² In the Matter of The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rule Making, CC Docket No. 92-71, 105 FCC 97-51, (released February 19, 1997) ("Order/Further Notice").

³ Further Notice at ¶ 71.

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Telecommunications Relay Services ("TRS") access, provided that CMRS providers are permitted to recover from the TRS Fund⁴ the additional costs associated with providing access along geopolitical boundaries to multiple TRS providers.

I. N11 Codes Should not be Transferred or Sold Through Private Transactions

There is an extremely limited number of N11 codes available in each geographic area. In fact, only two N11 codes remain to be assigned for national use.⁵ The Commission has recognized that "[n]umbers are the means by which businesses and consumers gain access to, and reap the benefits of, the public switched telephone network. These benefits cannot be fully realized, however, unless numbering resources . . . are administered in a fair and efficient manner that makes them available to all parties desiring to provide telecommunications services."⁶

The record clearly supports the conclusion that N11 codes should not be transferred or sold through private

⁴ The Commission's rules provide for an interstate cost recovery mechanism ("TRS Fund") such that every carrier providing interstate telecommunications services must contribute to the TRS fund based on its relative share of gross interstate revenues. 47 C.F.R. § 64.604(c)(4).

⁵ Per the Order in this proceeding, the following codes have been assigned for national use: 311 (non-emergency service), 411 (local directory assistance), and 711 (access to telecommunications relay services). Additionally, 611 and 811 may be used for access to repair and business office services, respectively, by all providers until one or both is needed for other national purposes. Order at ¶ 45.

⁶ Administration of the North American Numbering Plan, Report and Order, CC Docket No. 92-237, FCC 95-283 at ¶ 4 (released July 13, 1995) ("NANP Order").

transactions.⁷ Given the scarcity of N11 codes and the essential nature of this valuable public resource,⁸ N11 codes are too valuable to be assigned to one entity to the detriment of all others. Accordingly, N11 codes should be administered by a neutral party that will assign this important public resource in a fair and efficient manner.

II. Administration of N11 Codes Should be Transferred to the New North American Numbering Plan Administrator

Under the Telecommunications Act of 1996, the Commission has exclusive jurisdiction over "those portions of the North American Numbering Plan that pertain to the United States."⁹ The Commission may delegate to "State commissions or other entities all or any portion of such jurisdiction."¹⁰ Under current practice, Bellcore has assigned N11 codes for national use. The Bellcore guidelines permit local use of N11 codes provided that such assignments and use can be discontinued on short notice.¹¹

⁷ Further Notice at ¶ 70.

⁸ In general, the Commission has stated that "numbers are a public resource, and are not the property of carriers." NANP Order at ¶ 4; The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, Memorandum Opinion and Order, 59 Rad. Reg. (P&F) 1275, 1284 (1986). Bellcore, the current NANP administrator, also has specifically rejected that the assignment of a number implies ownership by either the assignor or assignee. Personal Communications N00 NXX Code Assignment Guidelines, Para. 2, 10 (April 8, 1995 revision).

⁹ 47 U.S.C. § 251(e)(1).

¹⁰ Id.

¹¹ Further Notice at ¶ 73.

In those cases, state public utilities commissions have directed LECs to assign and administer these codes. The Commission adopted a new model for administration of the NANP when it announced its intent to establish the North American Numbering Council ("NANC").¹² At that time, however, the Commission did not specifically consider the issue of service code allocation.

Transferring the administration of N11 codes for local use from the incumbent LECs to the neutral NANP administrator is consistent with the Commission's stated Federal policy objectives for numbering. The Commission has stated broad policy objectives it believes should and could be achieved through judicious administration of the NANP. Among others, administration of the NANP should (1) "facilitate entry into the communications marketplace by making numbering resources available on an efficient, timely basis to communications services providers," (2) not unduly favor or disadvantage any particular industry segment or group of consumers, and (3) not unduly favor one technology over another.¹³

Increasingly, companies needing numbering resources, such as CMRS providers, are competitors for market share of the carriers that directly and indirectly control distribution of numbering resources (i.e., incumbent LECs).

¹² See NANP Order.

¹³ NANP Order at ¶ 15.

Allowing incumbent LECs to control local use of N11 codes could lead to non-standardized assignments of a scarce numbering resource, depriving the public and new entrants the opportunity for uniform service codes. Only by transferring these functions to a neutral and national NANP administrator will the Commission ensure fair, impartial, and uniform numbering administration.

III. CMRS Providers Should be Allowed to Recover the Costs Incurred from Providing 711 TRS Access Along Geopolitical Boundaries and to Multiple TRS Providers

CTIA and its members are committed to ensuring that all Americans have access to wireless telecommunications services and that persons with hearing or speech disabilities benefit from technological advances and innovation. As new competitive services such as cellular and PCS develop, the hearing and speech-impaired will have new opportunities to access modern wireless telecommunications services. The development of technologies that will support such access, however, must not be hindered by costly requirements.

Providing 711 TRS access to multiple TRS providers presents some technical difficulties for CMRS providers. For example, the fact that a single mobile switch may serve multiple states presents certain difficulties not associated with traditional wireline services. Because each state has its own TRS center(s), a wireless provider operating in a multi-state service area would be required to first determine the general location of the caller in order to

route the call to the appropriate local center. Although this type of information may be accessible by providers in some circumstances, many providers will be required to make significant changes in their networks to accommodate routing to the appropriate TRS provider based on the location of the mobile customer making the call.¹⁴

As noted by the Commission, access to multiple TRS providers, even within a single state, also will require the development of special databases which would allow a query to determine the caller's selected TRS provider.¹⁵ Implementation of such databases also would require significant changes to the switching software in order to route the call appropriately.

Given the extensive resources required to provide TRS access to multiple providers along geopolitical boundaries, if this type of access is required, carriers should be allowed to recover the costs of such development through the TRS Fund. Under the current regime, although all interstate telecommunications service providers are required to

¹⁴ Under the Commission's E911 rules, wireless providers must be capable of relaying the location of the base station or cell site receiving a 911 call to the designated Public Safety Answering Point. However, this requirement is imposed only if a carrier receives a request for such E911 services from the administrator of a PSAP that is capable of receiving and utilizing such data, and a mechanism for cost recovery is in place. Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, FCC 96-264, Report and Order and Further Notice of Proposed Rule Making, at ¶ 11 (released July 26, 1996) ("E911 Order").

¹⁵ Further Notice at ¶ 68.

contribute to the fund, only TRS providers, and not the carriers themselves that may provide the technical support and routing capabilities for the service, are allowed to receive payments from the Fund.¹⁶ Furthermore, any payments are calculated based on the minutes of use for completed interstate TRS calls placed through the TRS center beginning after call set-up.¹⁷ As such, any costs incurred for call routing is clearly prohibited since routing occurs during call set-up. If CMRS carriers are required to provide the software enhancements associated with 711 TRS access to multiple providers, these rules should be modified to allow cost recovery for such upgrades.¹⁸

It should also be noted that simple routing of 711 calls to a single TRS provider within a single (and often times multi-state) service area would not require the additional costs associated with routing to multiple TRS

¹⁶ Under Section 64.604(c)(3)(F), TRS providers eligible for receiving payments from the TRS Fund include (1) TRS facilities operated under contract with and/or by certified state TRS programs; (2) TRS facilities owned by or operated under contract with a common carrier providing interstate services; or (3) interstate common carriers offering TRS.

¹⁷ 47 C.F.R. § 64.604(c)(3)(E).

¹⁸ In fact, the Commission currently has an open proceeding which seeks comment on how the TRS-interstate cost recovery mechanisms can be improved. See Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, Notice of Inquiry, CC Docket No. 90-571, FCC 97-7 (released Jan. 14, 1997).

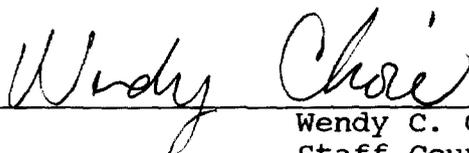
providers along geopolitical boundaries. In that case, additional cost reimbursement would be unnecessary.

Conclusion

For the reasons set forth above, the Commission should not allow the sale or transfer of N11 codes through private transactions. Additionally, N11 codes used for both national and local purposes should be administered by the NANP Administrator. Finally, 711 should be used for nationwide TRS access, provided that CMRS carriers are permitted to recover additional costs associated with providing access along geopolitical boundaries to multiple TRS providers.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**



Wendy C. Chow
Staff Counsel

Michael F. Altschul
Vice President and General Counsel

Randall S. Coleman
Vice President, Regulatory Policy & Law

1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
(202) 785-0081

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